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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant : OUSSOREN, Reinout G., et al.
Appl. No. : 09/430,063
Filed : 10/29/99
Title : UNITARY FILTER CARTRIDGE

Grp./A.U. : 1724
Examiner : PHAM, MINH CHAU THI

Docket No. : BHAG.68900

1724
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5-16-03

RESPONSE TO OFFICE ACTION

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This communication is filed in response to the Office Action dated February 3, 2003 in the subject application.

It is first noted that the Examiner has not acted on Claim 17 presented in Applicant's last amendment filed October 18, 2003. Claim 17 was a new claim but it was simply a permutation of the same features the Examiner indicated as allowable in Claims 12-16 and, therefore, it is believed that Claim 17 is also in condition for formal allowance.

Applicant notes with appreciation that Claims 1-4 have been allowed.

In response to the Examiner's comment in the first paragraph on page 3 of the Office Action, Applicant advises that the Examiner is correct in presuming that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made.

The Examiner has rejected Claims 5-11 as being obvious under 35 USC 103 over the Brunner reference. The rejection is respectfully traversed.

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CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, postage prepaid, as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

5/5/03
Date

Becky Diebold
Signature

Applicant continues to maintain that Brunner is not an effective prior art reference against the subject application for the good and sufficient reasons previously made of record in this prosecution history. This issue remains central in this prosecution history and appears to be the only reason that all claims have not been allowed.

First, the Examiner acknowledges that Brunner is not an effective 35 USC 102(e) reference, but then attempts to use Brunner as the basis of a 35 USC 103 rejection. This does not make sense. If Brunner is not an effective prior art reference under 35 USC 102(e), then it is improper on its face to rely on Brunner as a 35 USC 103 reference.

The foregoing argument aside, however, the Examiner's detailed comments in support of the 35 USC 103 rejection are as follows:

Brunner discloses a filter cartridge to be removably and sealingly received within a circular opening through a tube sheet comprising a filter sleeve formed as a tubular member, a tubular screen positioned interiorly of the filter sleeve for structural support, a bottom end cap sealingly secured to the lower end of the filter sleeve, a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insertable band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet. It would be obvious to a person having ordinary skill in the art at the time the invention was made to provide the sealing arrangement

in the opening of the tube sheet by Brunner since when the sealing sleeve is inserted into the cartridge fitting the sidewall of the cartridge fitting balloons outwardly to contact the side of the opening in the tube sheet and form a dust tight seal around the opening in the tube sheet into which the filter cartridge is inserted.

If the Examiner will again study the affidavit of Clements dated October 15, 2002 and the Exhibits A through E attached thereto, the Examiner will see that each and every one of the foregoing features are taught and are illustrated in the Exhibits A through E, all of which predate the Brunner reference. The Exhibits themselves completely corroborate the Clements statement of invention prior to Brunner.

In view of the foregoing amendment and remarks, it is believed that this case is in condition to pass to publication. Such action in the regular course of business is solicited.

Respectfully submitted,



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